



IFW

1632

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: 4-2-07 Name: Maddalena O. Cella, Ph.D. Signature: Maddalena Cella

BRINKS  
HOFFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Shigeru Kawano and Yoshihiko Yasohara

Appln. No.: ~~10/557,601~~ 10/577,601

Filed: April 27, 2006

For: NOVEL ACETOACETYL-COA REDUCTASE AND  
PROCESS FOR PRODUCING OPTICALLY  
ACTIVE ALCOHOL

Examiner: N/A

Art Unit: 1632

Attorney Docket No: 5404-147

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ Supplemental Information Disclosure Statement; Form PTO-1449 with required references B1-B5 and copy of Partial Supplementary European Search Report.

☒ Return Receipt Postcard.

Fee calculation:

☒ No additional fee is required.

☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).

☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).

☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x \$100=			x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=			+ \$360=	
					Total	\$		Total	\$

Fee payment:

☐ A check in the amount of \$\_\_\_\_\_ is enclosed.

☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_ : A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Maddalena O. Cella, Ph.D. (Reg. No. 56,619)

Date

April 2, 2007

BRINKS  
HOFFER  
GILSON  
& LIONE

BRINKS HOFFER GILSON & LIONE  
NBC Tower - Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandra, VA 22313-1450



on April 2, 2007  
Date of Deposit

Magdalena O. Cielella, Ph.D.

Name of applicant, assignee or  
Registered Representative

Magdalena Cielella  
Signature

April 2, 2007  
Date of Signature

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Shigeru Kawano and  
Yoshihiko Yasohara

Appln. No.: ~~10/557,601~~ **10/577,601**

Filed: April 27, 2006

For: NOVEL ACETOACETYL-COA  
REDUCTASE AND PROCESS FOR  
PRODUCING OPTICALLY ACTIVE  
ALCOHOL

Attorney Docket No: 5404-147

Examiner: N/A

Art Unit: 1632

#### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicant hereby cites the following reference(s):

## FOREIGN DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY
Number-Kind Code (if known)		
EP 0 955 375 A1	11-10-1999	EP
WO 99/36547	07-22-1999	PCT

## OTHER DOCUMENTS

Parkhill, et al. "Comparative Analysis of the Genome Sequences of Bordetella Pertussis, Bordetella Parapertussis and Bordetella Bronchiseptica," <i>Nature Genetics</i> , 35(1):32-40 (2003)
Database UniProt (Online) "Acetoacetyl-CoA reductase," XP002422295, retrieved from EBI accession no. UNIPROT:Q7WGJ4 (2003)
Database JPO Proteins (Online) "Process for producing optically active 4-halo-3-hydroxybutyrate," XP002422296, retrieved from EBI accession no. JPOP:E87483 (2002)

Applicant is enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R. §1.98(a)(3). Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

For purposes of 37 C.F.R. §1.704(d), Applicant certifies that each item of information contained in this Statement was first cited in a communication from a foreign patent office in a counterpart application, and that this communication was not received by any individual designated in 37 C.F.R. §1.56(c) more than thirty days prior to the filing of this Statement (a copy of any foreign communication first citing a listed reference is attached for the Examiner's reference).

Applicant has calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated

with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

April 2, 2007  
Date

Magdalena Cilella  
Magdalena O. Cilella, Ph.D.  
(Reg. No. 56,619)



FORM PTO-144	SERIAL NO. <b>10/577,601</b> <del>10/557,601</del>	CASE NO. 5404/147
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE April 27, 2006	GROUP ART UNIT 1632
(use several sheets if necessary)		
APPLICANT(S): Kawano and Yasohara		

## REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	B1 EP 0 955 375 A2	11-10-1999	EP		
	B2 WO 99/36547	07-22-1999	PCT		

EXAMINER INITIAL

## OTHER ART - NON PATENT LITERATURE DOCUMENTS

(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.

B3	Parkhill, et al. "Comparative Analysis of the Genome Sequences of Bordetella Pertusis, Bordetella Parapertussis and Bordetella Bronchiseptica," <i>Nature Genetics</i> , 35(1):32-40 (2003)
B4	Database UniProt (Online) "Acetoacetyl-CoA reductase," XP002422295, retrieved from EBI accession no. UNIPROT:Q7WJ4 (2003)
B5	Database JPO Proteins (Online) "Process for producing optically active 4-halo-3-hydroxybutyrate," XP002422296, retrieved from EBI accession no. JPOP:E87483 (2002)

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.